HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

and

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

W.P.NO.5652 OF 2006

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Between:

Sardar Harihar Singh

..... Petitioner

AND

State of Andhra Pradesh,

Represented by its Chief Secretary,

Secretariat,

Hyderabad and 3 others.

.....Respondents

:: ORDER::

Counsel for the Petitioner : Sri P.V.Krishnaiah

Counsel for Respondent No. 1 : Government Pleader for General Administration Department

Counsel for Respondent Nos. 2 and 3:Government Pleader for Home

Counsel for Respondent No. 4 : None

Dated 23/3/2006

Per Sri G.S.Singhvi, CJ

The petitioner, who is a member of the disciplined force and is holding the post of Deputy Superintendent of Police has filed this petition questioning the appointment of respondent No.4 as Director General of Police. He has prayed that the Court may declare the action of the Government in posting respondent No.4 and allowing him to continue on the post of Director General of Police as illegal and against public interest and restrain respondent No.4 from functioning as Director General of Police, Andhra Pradesh.

We have heard Sri P.V.Krishnaiah, learned advocate for the petitioner and perused the record.

Although in paragraphs 13, 14 and 15, the petitioner has made averments suggesting that respondent No.4 has treated him with disrespect on religious grounds, none of those averments are supported by a properly verified affidavit as required by Rule 5 of the Writ Rules, 1977, inasmuch as, he has not verified the

allegations made against respondent No.4 either on personal knowledge or knowledge/information derived from any particular source. The petitioner appears to have done so with a view to avoid the consequences of making scandalous allegations against respondent No.4.

The petitioner has also made averments suggesting that the State Government appointed respondent No.4 as Director General of Police ignoring the findings recorded by the A.P. Vigilance Commission. In support of these averments, he has relied on some report appearing in a newspaper (page 31).

According to the learned counsel, newspaper in which report suggesting that respondent No.4 has been found guilty was published is 'Indian Express'.

We have gone through the contents of the newspaper cutting but are not felt persuaded to rely on the same, because the petitioner has not filed an affidavit of the author of the news item/story to disclose the source of information. In our opinion, it is not at all proper to rely on such newspaper report/story for the purpose of taking cognizance of the allegation that respondent No.1 had been appointed as Director General of Police for extraneous reasons ignoring the report of the Vigilance Commission.

There is another reason for our disinclination to entertain the petitioner's prayer. He has not made any representation to the State Government highlighting the so-called irregularity in the appointment of respondent No.4 or the statements attributed to the said respondent, portions of which have been extracted in paragraphs 13 to 15 of the writ petition. As a member of disciplined force, it was the duty of the petitioner to have first resorted to the administrative mechanism for redressal of his grievance. He could have invoked the jurisdiction of this Court only if his grievance was not redressed by the bureaucratic apparatus of the State within a reasonable time.

With the above observations, the writ petition is dismissed.

G.S.SINGHVI, CJ

Dt.23/3/2006

G.BHAVANI PRASAD,J

msv/ARS